

Walker, Susan

From: Nana Kim <[REDACTED]>
Sent: Friday, February 22, 2013 9:15 AM
To: Walker, Susan
Cc: Andrew Wheat
Subject: 900 Garner
Attachments: REV-BOAVarianceApplication.pdf

Hi Susan,

Here is the revised/updated variance application for 900 Garner. The revisions reflect the changes from "Variance" application to "Special Exception" application and the deletion of any parking variance request.

The changes are to **p. 3 & 4**, although I did change the date on **p. 2** to January 13, 2013, the day we formally changed to the "Special Exception" request.

Let me know if you have any comments or see anything I should add to this form. Also, do you need the owners to sign this or can you use the previous signed page?

I would appreciate your response so that I know you have this updated copy. Thank you so much!

.....
Nana Kim AIA
9 square studio
411 West Annie Street
Austin, TX 78704

512 436 9586 phone
512 416 9587 fax

CASE # C15-2013-0004
ROW # 10871002
TR-0102650326

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

Amended

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 900 Garner Ave., Austin TX 78704

LEGAL DESCRIPTION: Subdivision – Lot 1-2 BLK J Barton Heights

Lot(s) 1-2 Block J Outlot _____ Division Barton Heights

I/We Andrew Wheat & Julia Bower on behalf of myself/ourselves as authorized agent
for

Andrew Wheat & Julia Bower affirm that on January 13, 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

An existing Two-Family Residential Use.

in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

We request a "Special Exception," under City of Austin Land Development Code {25-2-476}, for an existing residential structure that violates a setback requirement.

As required by {25-2-476}:

*the residential use for which the special exception is sought is allowed in an SF-3 zoning district.

*the building official has performed an inspection determining that the violation does not pose a hazard to life, health, or public safety (pending the revision of the exterior stair treads)

*the setback violation has existed for at least 15 years (see attached survey from 1993 survey)

*the structure does not share the lot with more than one other primary residence.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

Under "Special Exception," LDC {25-2-476}, we are not required to demonstrate a hardship.

- (b) The hardship is not general to the area in which the property is located because:

NA

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not alter the character of adjacent property nor impair the regulatory purpose of the zoning district because the variance would permit a use that has existed harmoniously in its present surroundings for at least 19 years.

The structure conforms stylistically and scale-wise to other structures in the neighborhood and aside from the setback violations, conforms to maximum height zoning requirements.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

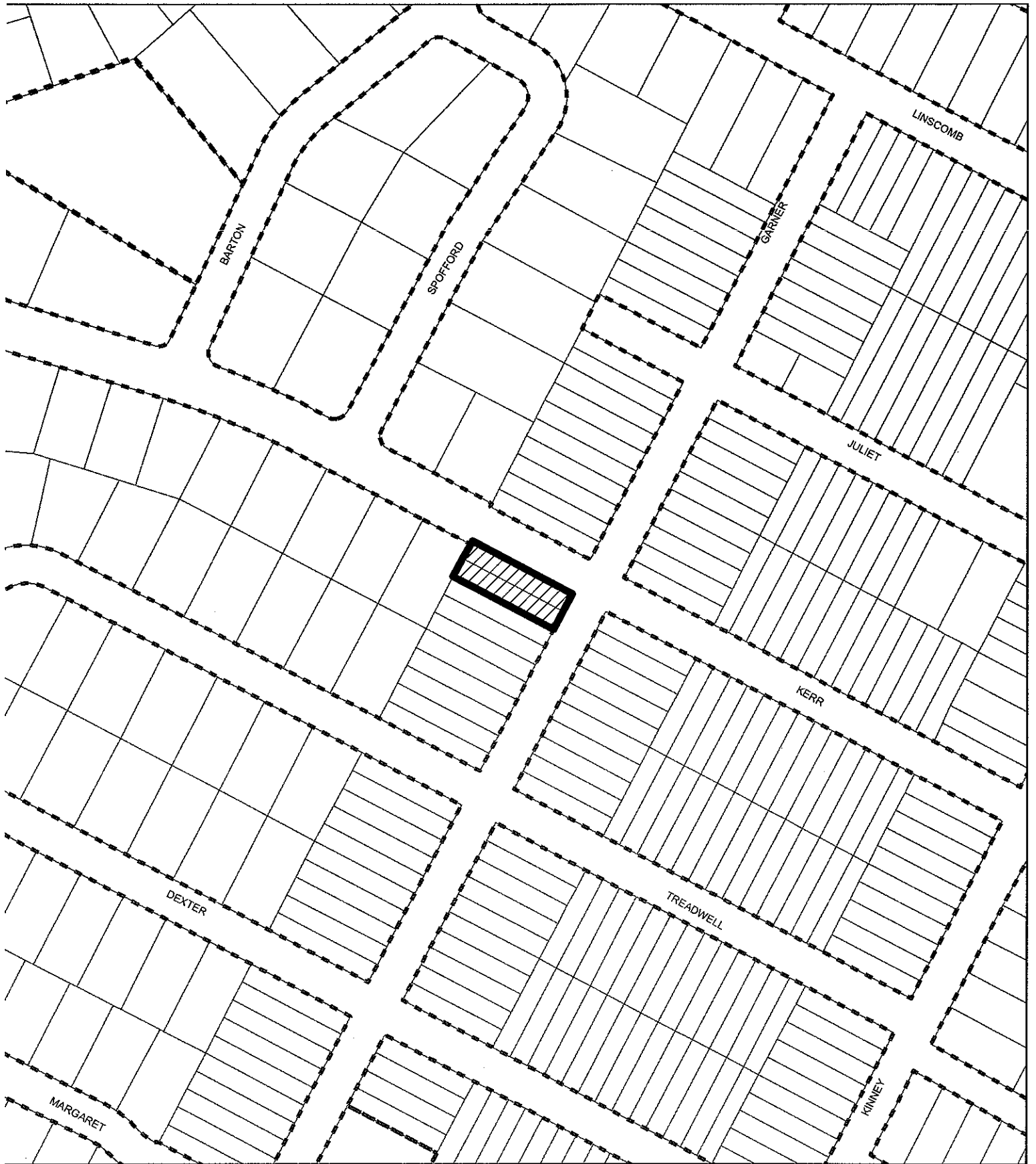
N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

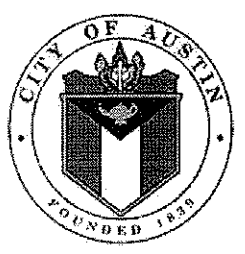


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0004
LOCATION: 900 GARNER AVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 15 years, if the application for a special exception is submitted on or before June 6, 2013;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code; or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, ~~January 17th~~ Feb 11, 2013

Linda A. Gung & Gregs Vanderink
Your Name (please print) ☐ I am in favor ☒ I object

804 Sp. Fld-St. Austin 78704

Your address(es) affected by this application

Jake A. Gung Signature 1-28-13 Date

Daytime Telephone: 512-326-8700 (cell- 512-970-5382)

Comments: W/4. FINE THAT IT IS USED

IN ORDER TO ASSIST AND PROTECT THE

SETBACKS AS THEY ARE. BUILDING IN

DESIGN IS TOO CLOSE TO THE ADJACENT

LIVE TO BE USED AS A SECOND RESIDENCE (TOO

NEARLY IS ALSO A PROBLEM AT THAT

CHANGE AND OFF STREET SPACES

SHOULD NOT BE UNMANNED INTERSECTION IS

ALREADY DANGEROUS W/ MANY NEAR-COLLISIONS AS

CARS COMING FROM GARNER & 5400 AT CORNER -

If you use this form to comment, it may be returned to: 755.51.1179

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 14th, 2013

Luis A. Guerra

Your Name (please print)

1808 KERR

Your address(es) affected by this application

John A. Cervera

Signature

Date

Daytime Telephone:

512-565-4616

Comments:

I OBJECT TO ALL THE VARIANCE REQUESTS ON THIS CASE.

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

Walker, Susan

From: Michelle Martin [REDACTED]
Sent: Friday, February 08, 2013 8:20 AM
To: Walker, Susan
Cc: Jan Castleberry
Subject: Case C15-2013-0004- 900 Garner Ave

Ms. Walker:

We own and reside at the property at 809 Garner. We have been at this address for 28 years. We support the variances for 900 Garner. Most of the variances are for the existing situation. The existing out building, on street parking, etc... have been in usage as long as we can remember - maybe 28 years. I believe it is the just and reasonable decision to allow these variances. I am much more concerned about a large and unattractive structure going up on that lot if the variances are denied. I believe that the neighborhood fabric and feel will be kept intact with the granting of the variances. There have not been issues from our perspective with the existing building. We also support additional square footage being added to the main home.

Please let me know if you have questions about our stance.

Michelle Martin and Jan Castleberry, 809 Garner Ave., Austin Texas 78704 [REDACTED]

W.B. TRULL

SCALE.
1"=30'

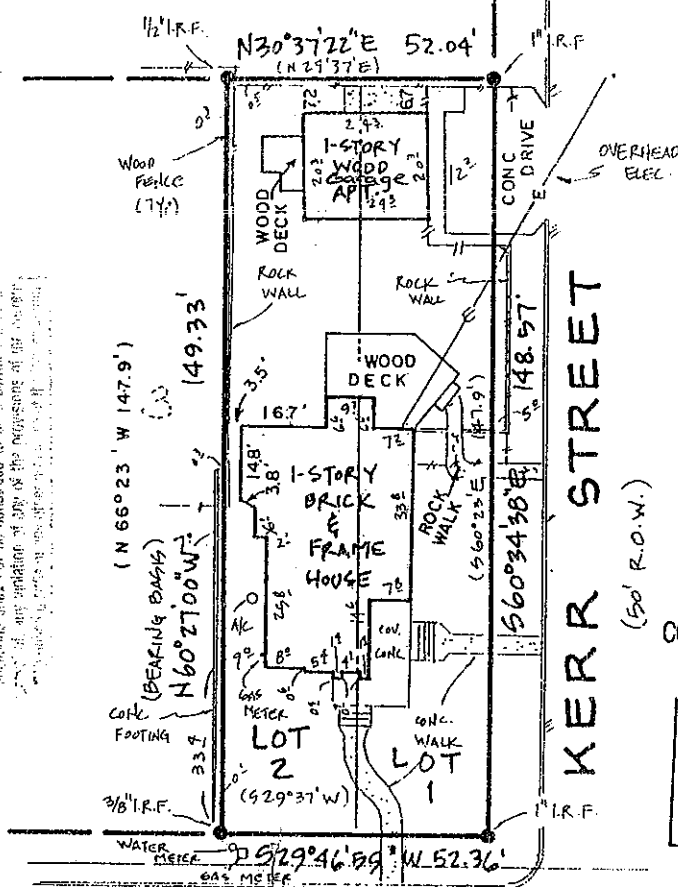
REVIEWED FOR ZONING ONLY

CITY OF AUSTIN
APPROVED FOR PERMIT

Greg Guernsey

Planning and Development Review Department

Date 11/16/01
Granting of a permit for, or approval of, these plans and any other action taken by the City of Austin shall not be construed to be a warranty, representation, or endorsement of the accuracy or completeness of the information provided by the applicant or the City of Austin.



REVIEWED

SEP 24 2012

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS

AE APPROVED

SEP 24 2012

268-205
JGM

900 GARNER AVENUE

(50' R.O.W.)

All structures etc. must maintain 7'5\"/>

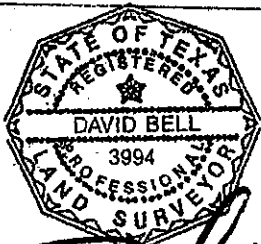
Robert Jonathan Balser & Jennifer West

LOT NO. 1 & 2 BLOCK NO. J SUBDIVISION BARTON HEIGHTS
SECTION - UNIT - PHASE - BOOK 3 PAGE 201 PLAT RECORDS
COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 900 GARNER AVENUE
CITY AUSTIN REFERENCE NAME ROBERT JONATHAN BALSER & JENNIFER WEST
FLEMING BALSER



American Surveying Company
of Austin

812 San Antonio St., Suite G-17
Austin, Texas 78701
(512) 482-0071



David Bell

Subject property DOES NOT
lie within the 100 Year flood
prone area and has a Zone X
rating as shown on the Flood
Insurance Rate Maps (F.I.R.M.)
Community No. 480624
Panel 0205E (MAP # 48453C)
dated 6-16-93
This certification is for
insurance purposes only and is
not a guarantee that this
property will or will not flood.

DATE 6-19-95
TITLE CO. FIDELITY
I.P.# 950948
O.# 6 R-68-95
SCALE 1"=30'

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES SURVEYED AND TO
FIDELITY NATIONAL TITLE INS. CO.

I do hereby certify that this survey was this day made on the
ground of the property legally described hereon and is correct,
and that there are no discrepancies, boundary line conflicts,
encroachments or protrusions, overlapping of improvements,
visible utility lines or roads in place, except as shown hereon,
and that said property has access to and from a dedicated
roadway, except as shown hereon.

	DATE	BY
FIELD WORK	9-8-93	JS
DRAFTING	9-8-93	CK
FINAL CHECK		
CORRECTIONS		
UP DATE	6-16-93	S.M.



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0004
LOCATION: 900 GARNER AVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

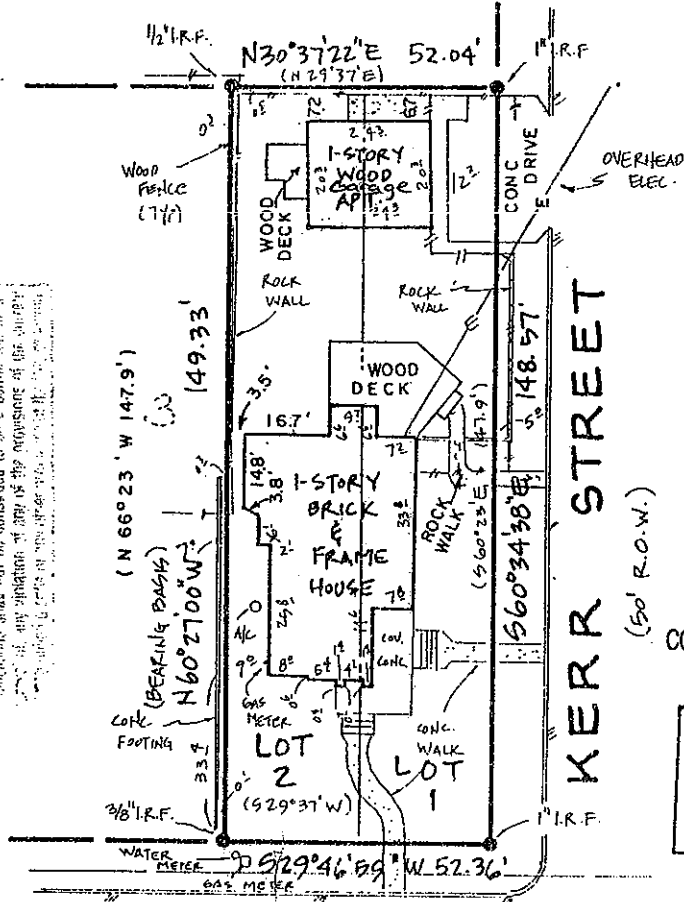
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

W. & TR. LL

SCALE:
1"=30'

REVIEWED FOR ZONING ONLY

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
Date 11/20/12
granting of a permit for or approval of these plans and any other action taken by the City of Austin shall not be construed to be a guarantee of the accuracy of the information contained in the plans or the wisdom of the proposed project.



REVIEWED

SEP 24 2012

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS

AE APPROVED

SEP 24 2012

268-205

JGM

900 GARNER AVENUE

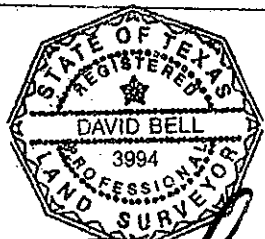
(50' R.O.W.)

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

LOT NO. 1 & 2 BLOCK NO. J SUBDIVISION BARTON HEIGHTS
SECTION UNIT PHASE BOOK VOLUME CABINET 3 PAGE SLIDE 201 PLAT RECORDS
COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 900 GARNER AVENUE
CITY AUSTIN REFERENCE NAME ROBERT JONATHAN BALSER & JENNIFER WEST
FLEMING BALSER

American Surveying Company
of Austin

812 San Antonio St., Suite G-17
Austin, Texas 78701
(512) 482-0071



Subject property DOES NOT
lie within the 100 Year flood
prone area and has a Zone X
rating as shown on the Flood
Insurance Rate Maps (F.I.R.M.)
Community No. 480624
Panel 0205E (MAP # 48453C)
dated 6-16-93
this certification is for
insurance purposes only and is
not a guarantee that this
property will or will not flood.

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES SURVEYED AND TO
FIDELITY NATIONAL TITLE INS. CO.

I do hereby certify that this survey was this day made on the
ground of the property legally described hereon and is correct,
and that there are no discrepancies, boundary line conflicts,
encroachments or protrusions, overlapping of improvements,
visible utility lines or roads in place, except as shown hereon,
and that said property has access to and from a dedicated
roadway, except as shown hereon.

DATE BY

FIELD WORK	9-8-93	JS
DRAFTING	9-8-93	OK
FINAL CHECK		
CORRECTIONS		
UP DATE	6-16-93	S.M.

DATE 6-19-95

TITLE CO. FIDELITY

P.O. # 950948

O. # 6 R-68-95

SCALE: 1"=30'



SPECIAL EXCEPTION INSPECTION



Address:	900 Garner Ave.
Permit Number:	2012-117169
Property Owner Requesting Special Exception:	Julia Bower

Special Exception Requested:

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 12 feet (along Kerr Street) also requesting a variance to decrease the rear setback from 10 feet to 6 feet in order to maintain an existing 1 story apartment.

Date Structure was originally constructed: 1978 as a garage, storage and dark room

Date of Inspection:	December 11, 2012
Building Official or designated representative	Tony Hernandez
	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
X	<p>The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:</p> <ol style="list-style-type: none">1. Exterior stair system not in compliance with any existing code will need to comply with the requirements of the 2006 IRC

OWNER	Edwina Traverso	ADDRESS	900 Garner Ave
PLAT	106	LOT	1 & 2
		BLK.	J
SUBDIVISION	Barton Hgts		
OCCUPANCY	gar , storage & dark room		
BLDG. PERMIT #	175898	DATE	9-7-78
		OWNERS ESTIMATE	2000.00
CONTRACTOR	same	NO. OF FIXTURES	
WATER TAP REC#	SEWER TAP REC#		
remodel res	8-7-79-#184444-Edwina Traverson-		
	Lee Hichock- 13,500.00-Acc Bldg. 480 Sq ft		

BID 2004

Address: 900 Garner ave
Lot: 1-2

Permit: 184 444 Plat: 106

Block
Subdivision:
Outlot
Occupancy: acc Bldg

Fire Zone: 3 Use Dist. A-1st

8-17-77		9-12-79		10/3/79	Final	Commercial	
Foundation		Floor joist size & o.c.	4x4	Bldg. Conn.		Parking	
Front setback	90+	ceiling joist size & o.c.	2x4	Room Vent.	✓	Exits	
Total & Min. side yard	30/10	stud size & o.c.	2x4	Stairs		Exit lights	
Side St. Yard	10		16	Rails	✓	Fences	
		W. Insulation	R-11	Attic Vent.	✓	Corridors	
Type Const.		Sheetrock		Insulation	R-19		
Spec. Permit #		Commercial Sheetrock		Hood Vent.			
BOA		Occup. Sep.		Glass	✓		
		Thru out		Deadbolts			
				Fireplaces			

Owner: Edwards, Francisco Contractor: Chas. K. Johnson
24x20 studio

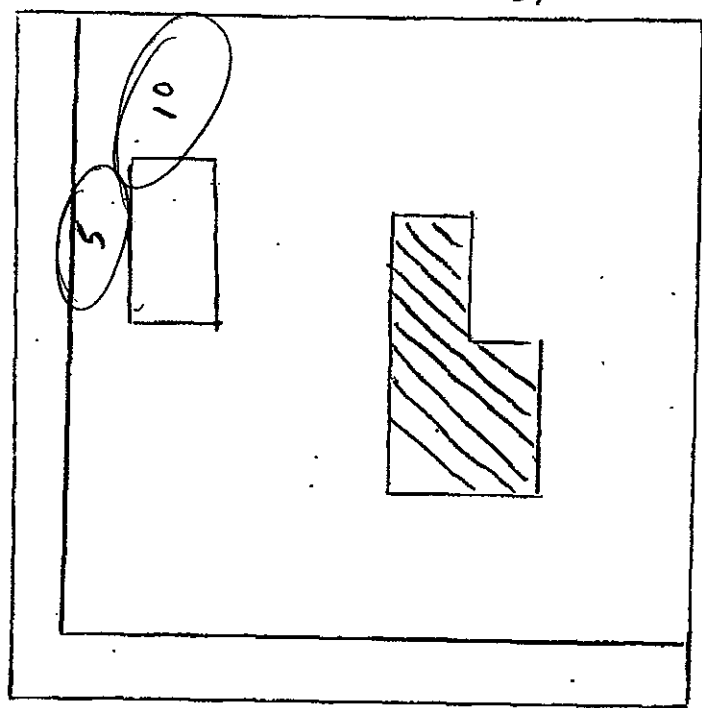


BID 2005 JUNE 77

City of Austin

Clerk K. L. ... Date 8-7-79

Address:



Garner ave

Inspector:

Address: 900 Garner ave

Permit: 175-78

Plat: 106

Lot: 122

Block J

Subdivision

Outlot

Barton Hots

Fire Zone: 3

Use Dist. A-1st

Occupancy: Remodel R's

Layout		Framing		10/2/79	Final	Commercial	
Foundation		Floor joist size & o.c.		Bldg. Conn.		Parking	
Front setback		ceiling joist size & o.c.		Room Vent.		Exits	
Total & Min. side yard		stud size & o.c.		Stairs		Exit lights	
Side St. Yard				Rails		Fences	
				Attic Vent.		Corridors	
				Insulation			
Type Const.		W. Insulation		Hood Vent.			
Spec. Permit #		Sheetrock		Glass			
BOA		Commercial Sheetrock		Deadbolts			
		Occup. Sep.		Fireplaces			
		Thru out					

Owner: Edwina Traverso

Contractor

No living area

Remodel garage - storage dark room



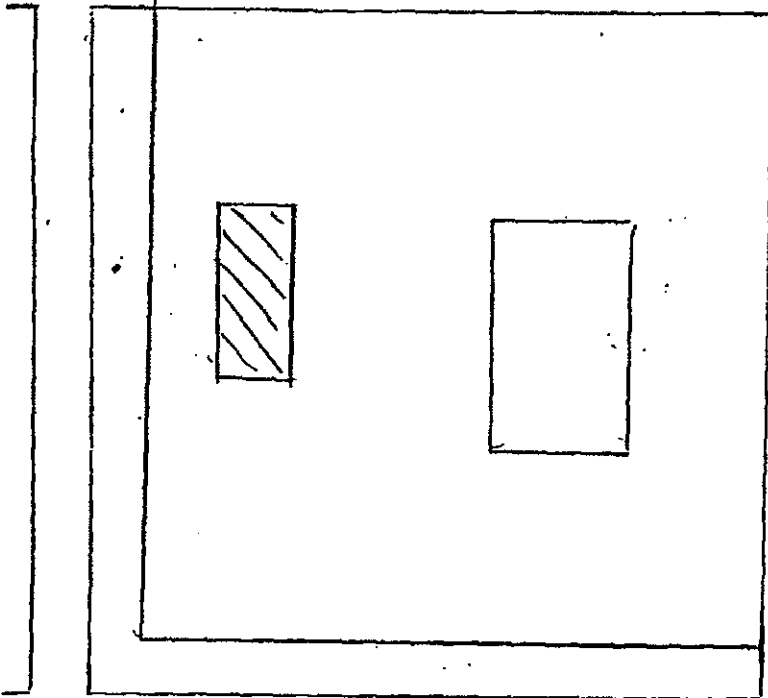
BID 2005 JUNE 77

City of Austin

Clerk Candice

Date 7-7-78

Address:



Garner ave

Inspector:

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 14th, 2013

JOHN KING-MEADOWS

Your Name (please print)

☒ I am in favor
☐ I object

904 GARNER AVE., AUSTIN, TX 78704

Your address(es) affected by this application

Susan K Meadows

Signature

1/7/13

Date

Daytime Telephone: 442-1818

Comments:

These folks are good neighbors and maintain their property well.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 14th, 2013

John D. Stevin

Your Name (please print)

1812 Treadwell St., Austin, TX 78704

Your address(es) affected by this application

John D. Stevin

Signature

Date

Daytime Telephone: 324-5752

Comments: I AM OPPOSED TO GRANTING LAND DEVELOPMENT

ZONING VARIANCES FOR ANY PURPOSES, EVER. I'M

ESPECIALLY AGAINST THIS REQUEST WHICH

INTRODUCES "MULTI-FAMILY" ZONING INTO

A SINGLE FAMILY NEIGHBORHOOD.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 14th, 2013

Dorinda Scott

Your Name (please print)

1809 Treadwell Street

Your address(es) affected by this application

Dorinda Scott

Signature

Date

Daytime Telephone:

462-2804

1-7-13

☐ I am in favor
☒ I object

Comments: This is an "old Austin neighborhood" with larger lot size paid for and pay what the lot size is on one single lot. The owner variance have already been approved here in a long time residents, some of whom were forced to move due simply to being squeezed, how does the neighbor behind feel about being squeezed to a lot size of 22' x 116' and not allowed to build a street parking and cars do not allow on road. It keep on on street spot open.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker at 512-974-2202
P. O. Box 1088 "MUST" be required!!
Austin, TX 78767-1088

Please let me know the outcome of this variance request. Thank you.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 14th, 2013

Annexed Board
Your Name (please print)

☒ I am in favor
☐ I object

1610 Dexter Street
Your address(es) affected by this application

Annexed Board 1-11-2013
Signature Date

Daytime Telephone: 512 284 3085

Comments:

See attached

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

To Whom it May Concern:

My husband and I own a home in close proximity of 900 Garner Avenue and have lived there for almost 13 years. We are supportive of two-family residential in our neighborhood and therefore support all variances requested by the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Annick Beaudet".

Annick and Ed Beaudet

A handwritten signature in cursive script that reads "Ed Beaudet".

Walker, Susan

From: [REDACTED]
Sent: Sunday, January 13, 2013 2:07 PM
To: Walker, Susan
Cc: Laura Agnew
Subject: Case # C15-2013-0004 (900 Garner Ave.)

To Members of the Board of Adjustment:

My wife and I are neighbors of the family that own 900 Garner Ave, and have lived 6 houses down Kerr Ave. from their residence for over 20 years.

We are in support of the City granting them the grandfathering variance they have requested and support their request to add a bedroom and bathroom to the existing main house.

We support their request to retain the small apartment on the property as a living space, believing that this type of density is appropriate for the neighborhood and supports Austin's goal of creating a more densely populated central city. Their willingness to create two parking spaces, even though they have been a single car family for as long as we have known them, is adequate to meet the current City parking requirements for family dwellings.

Thank you for your consideration,

Hill Abell and Laura Agnew
1607 Kerr Ave.
462-0141

Walker, Susan

From: ~~Janice Hilscher <jhilsch@earthlink.net>~~
Sent: Saturday, January 12, 2013 9:49 AM
To: Walker, Susan
Subject: Andrew Wheat/900 Garner Ave.

Hi Susan -

I have lived in Barton Heights since 1992 and have seen the neighborhood change quite a bit – I was very happy to see Andrew & Julia move into 900 Garner Ave. next door to me in 1999 and start their family in the Zilker neighborhood.

I understand that Andrew & Julia want to expand their Barton Heights home to accommodate their growing family. And I totally agree with their needs. Andrew & Julia want to stay within the integrity of our neighborhood by expanding toward the back of their house and keep their boys in our neighborhood. The addition in question is behind their home and is a small dwelling that was added many years ago and has never presented a problem to our neighborhood. If we push Andrew & Julia out of our neighborhood, then we are likely to have someone buying their home, demolishing their current home and building a much larger unit that will surely cut down some trees on their corner lot and will likely impose on what little privacy we have left here in Barton Heights.

A parallel parking driveway to my driveway seems to be a good solution to accommodate the city requirements – although I don't see why a one-car, biker-friendly family needs to do this.

There are many issues in our neighborhood, such as the Ashby/Oxford teardown for multi-units, 1900-ish Kerr where the older home was demolished for construction of a multi-family unit (or a very large contemporary house), parking up & down Kinney in front of the condo unit in the 1200 block, that should take precedent over a small home addition to keep a family in our neighborhood.

I view Andrew & Julia's addition as an investment in the right direction for Barton Heights –

Please feel free to contact me if you have any questions.

--Janice Hilscher
512.925.4990

Walker, Susan

From: steve mcguire [REDACTED]
Sent: Thursday, January 10, 2013 3:43 PM
To: Walker, Susan
Subject: 900 Garner, Case C15-2013-0004

Dear Board and Ms. Walker,

I am writing concerning 900 Garner, Case C15-2013-0004. I live within 500' and received notice from the city. I oppose the request to waive the parking requirements by variance for two houses on one lot, which in this case is greater than 7000' and is zoned SF-3. It is my understanding that both houses on this property have been used as short-term rentals, even though the back house does not have a Certificate of Occupancy. I think it would benefit the neighborhood for this property to have adequate on-site parking, as required by city code, regardless of whether the back house remains or returns to an accessory building use. It is my understanding that currently this property has no on-site parking that conforms to city code requirements.

Sincerely,
Steve McGuire

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 14th, 2013

GARDNER SUMNER

Your Name (please print)

☐ I am in favor
☒ Not object

Your address(es) affected by this application

1610 TREAWELL ST

Susan Walker **14 JAN '13**

Signature

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0004 - 900 Garner Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 14th, 2013

Dorinda Scott
Your Name (please print)

1809 Treadwell Street
Your address(es) affected by this application

☐ I am in favor
☒ I object

Dorinda Scott
Signature

1-7-13
Date

Daytime Telephone: *462-2804*

Comments: *This is an "old Austin neighborhood" with larger lots we paid for and pay when front taxes are on our single home. Too many variances have already been approved here, including a long-time residents' home of whom we were forced to move due simply to being squeezed. How does the neighbor behind feel about being squeezed to a 1/2 lot? 223 3/4' lot with back out the back leading to a street parking and cars do not allow cars to be kept on on-street spot open.*

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker at *my home, off-street parking*
P. O. Box 1088 "MUST" be reviewed!!!
Austin, TX 78767-1088

Please let me know the outcome of this variance request. Thank you.

CASE # C15-2013-0004
ROW # 10871002

CITY OF AUSTIN TP-0102050326
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 900 Garner Ave., Austin TX 78704

LEGAL DESCRIPTION: Subdivision - Lot 1-2 BLK J Barton Heights

Lot(s) 1-2 Block J Outlot Division Barton Heights

I/We Andrew Wheat & Julia Bower on behalf of myself/ourselves as authorized agent
for

Andrew Wheat & Julia Bower
affirm that on December 13, 2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

 A garage apartment.

in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

We request a special exception to permit use of our garage as a garage apartment. It has been in such use for at least 19 years, as documented by a 1993 survey map that identifies the structure as a "1-Story Wood Apt." Documents from our 1999 purchase of the property show it was marketed as an apartment and the seller's survey from that time also identifies it as an apartment.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The 'garage' has been in documented use as a garage apartment for at least 19 years.. Nor can the structure be used as a garage, because it was built as an elevated pier & beam building that will not support a vehicle. Without a special exception to permit its long established use as an apartment, the structure presumably would have to be moved or razed.

- (b) The hardship is not general to the area in which the property is located because:

Garage has been in documented use as a garage apartment for at least 19 years without being correctly permitted by the previous owners. We do not know of other such unpermitted structures in area. Requested exception does not create a new use. Rather it brings permitting in line with the long-standing use of this structure.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Variance will not alter the character of adjacent property nor impair the regulatory purpose of the zoning district because the variance would permit a use that has existed harmoniously in its present surroundings for at least 19 years.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

Garage has been in documented use as a garage apartment for at least 19 years without creating traffic-flow or parking problems.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Garage has been in documented use as a garage apartment for at least 19 years without traffic-flow or parking problems. Property occupies a large corner lot almost 150 feet long along the garage frontage on Kerr.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Garage has been in documented use as a garage apartment for at least 19 years without creating safety hazards or other problems inconsistent with this ordinance.
Owner/applicant is happy to resolve the single issue identified by Life Safety Inspector to bring structure up to Life Safety codes. The issue identified involves: "Exterior stair system not in compliance with any existing code will need to comply with the requirements of the 2006 IRC"

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

The variance will be applicable to the use of the property. If that use changes, the variance will no longer be in effect and will not be reapplied for.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Julia Bower Mail Address 900 Garner Ave.

City, State & Zip Austin TX 78704

Printed Julia Bower Phone 512/925-8040 Date 12/13/12

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Julia Bower Mail Address 900 Garner Ave.

City, State & Zip Austin TX 78704

Printed Julia Bower Phone 512-925-8040 Date 12/13/12